



Agenda Item Number: _____

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: January 26, 2010

Department: Zoning, Building, Planning **Staff Contact:** Catherine VerEecke, Program Planner

TITLE: APPEAL: Special Use Permit for a Contractor's Yard (CSU-90021/CO-20100001)

COUNTY PLANNING COMMISSION RECOMMENDATION:

Approval

SUMMARY:

At the November 4, 2009 public hearing, the County Planning Commission (CPC) voted (6-0, Commissioner Sanchez excused) to recommend approval of the request for a Special Use Permit for a Contractor's Yard on Tract G & Lot 16, Sun Valley Addition, located at 7400 2nd Street NW & 169 Pueblo Luna Drive NW, zoned C-1 & R-1, and containing approximately .73 acres. The decision was based on five (5) Findings and subject to nine (9) Conditions. (See Attachment 1—Notice of Decision).

The CPC found that the request to establish a contractor's yard is justified by changed neighborhood conditions, including an increased incidence of light industrial uses, adjacent to and nearby the site along Second St. The subject property also had a Special Use Permit for a Contractor's Yard (CSU-95-23) for the use, which had expired. At the hearing, the CPC approved the request and added a condition (Condition 6) to read as follows:

"There shall be no outside storage of material or debris." (See Attachment 4—Draft Minutes, CPC Hearing, pp.106-109).

The applicant's agent is now appealing Condition 6 as recommended by the CPC (See Attachment 3—Appeal Justification, p.83-89). In the appeal justification, he states that the property owners still need to store their construction materials (scaffolding and mixers) on a portion of the site which is screened by a solid wall. The agent therefore requests the rewording of the condition to delete the term 'material' and to prohibit only the storage of debris on the site, as shown on the site plan. According to the agent, Condition 6 should read as follows:

"There shall be no outside storage of debris."

Criteria for Evaluating Zone Map Changes and Special Use Permit Applications

Resolution 116-86 (see Attachment 5) states that the applicant must demonstrate that the existing zoning is inappropriate because:

1. there was an error when the existing zone map was created; or
2. changed neighborhood or community conditions justifies a land use change; or

3. a different land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other County Master Plan, the even though (1) and (2) above do not apply.

ATTACHMENTS:	PAGE
1. County Planning Commission Notice of Decision Letter (November 9, 2009).	3
2. County Planning Commission Information Packet.	6
3. Appeal application and justification	83
4. Draft CPC Minutes, November 4, 2009.	90
5. Resolution 116-86	111
6. Site Plan, dated September 28, 2009 (Commissioners Only).	

STAFF ANALYSIS SUMMARY

ZONING, BUILDING & PLANNING:

Staff recommends denial of appeal.